

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 31, 2010

Memorial Day

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 1, 2010

D057424 People v. Meyer

The April 27, 2010, minute order of the San Diego Superior Court is not an appealable order. The appeal filed on May 6, 2010, purporting to appeal from the minute order, is dismissed.

D057306 Jeremy E. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jeremy E. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D057088 Kenneth S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 2, 2010

D057206 Johnson v. Mission Pools

Pursuant to California Rules of Court, rule 8.140, the appeal filed April 16, 2010, is dismissed for Appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

D053875 People v. Aguon

The judgment is reversed and we remand with directions to the trial court to hold proceedings for the limited purpose, as stated in *People v. McKee* (2010) 47 Cal. 4th 1172, 1208-1209, to resolve the issue of whether the People can demonstrate "the constitutional justification for imposing on SVPs a greater burden than is imposed on the MDOs and NGIs in order to obtain release from commitment." O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

D056006 Gosek v. Rivera

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D057362 Gateway Elite Associates, Inc. v. The Superior Court of Imperial County/A.C. Plastering & Construction

The petition is denied.

D057371 State of California ex rel. Department of Transportation v. The Superior Court of San Diego County/San Bernardino County Flood Control District et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 3, 2010

- D053956 Smith v. DiPietro**
The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.
- D056146 In re Langnese on Habeas Corpus**
Relief denied. McConnell, P.J.; We Concur: Nares, J., Haller, J.
- D056873 Bobby L. v. Superior Court of San Diego County/San Diego County Health and Human Service Agency**
The petition is denied. McIntyre, J.; We Concur: Nares, Acting P.J., Irion, J.
- D056190 West et al. v. Legacy Financial Services, Inc.**
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.
- D055960 In re D. H., a Juvenile**
The order terminating reunification services is affirmed. The matter is remanded to the trial court with directions to vacate its finding ICWA does not apply and to instruct the Agency to complete ICWA notice in accordance with section 224.2, subdivision (a)(5). (§ 224.3, subd. (d)). Irion, J.; I Concur: McDonald, J.; I Concur in Part A. I Concur in the Result in Part B.: Huffman, Acting P.J.
- D054522 Pennsylvania General Insurance Company et al. v. American Safety Indemnity Company**
The judgment is reversed. Pennsylvania General is entitled to its costs on appeal against ASIC. ASIC and National shall bear their own costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.
- D057160 In re E. F., a Juvenile**
Upon filing an abandonment of appeal, personally signed by the appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)
- D057429 Grossmont Hospital Corporation v. Superior Court of San Diego County/Stensberg**
The petition is denied.
- D057311 In re Smith on Habeas Corpus**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 3, 2010 (Continued)

D057152 In re Estate of Amico

Appellant's motion for relief from default is treated as a motion to reinstate the appeal. The motion is granted. Designation/costs/filing fee must be filed within 10 days from the date of this order with the San Diego County Clerk of the Superior Court. The civil case information statement must be filed with this court within 10 days from the date of this order. Any document that does not have a proper proof of service on all parties will be returned unfiled to appellant.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 4, 2010

D056764 In re A.P. et al., Juveniles

The appeal is dismissed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D056647 People v. Dominick

The judgment is affirmed as modified to show defendant's convictions are the result of jury verdicts. The trial court is directed to prepare a corrected abstract of judgment in accordance with this opinion and forward it to the Department of Corrections and Rehabilitation.

O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

D054657 Hazewinkel v. Hazewinkel

The order awarding attorney fees and costs to Wanda is reversed in its entirety and the probate court is directed to hold appropriate further proceedings to resolve the statutory issues on the motions, in accordance with the views expressed in this opinion and the current circumstances of the case, including any resolution of the retrial on the trust beneficiary issues. Each party to bear its own costs on appeal. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D056945 In re A.L., a Juvenile

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 8.412(d)(1)(A), and 8.416(g). The appeal is dismissed.

D056685 In re Princess G., a Juvenile

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 8.412(d)(1)(A), and 8.416(g). The appeal is dismissed.